

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicants thank the Examiner for indicating that claims 3 – 9 contain allowable subject matter.

Disposition of claims

Claims 1 - 21 were pending in this application. By way of this reply, new claim 22 has been added based on the removal of multiple dependencies from claim 20, and claim 3 has been rewritten into independent form. Therefore, claims 1 - 22 are currently pending in the application, and claims 1, 3, and 10 are independent. The remaining claims depend, directly or indirectly, from claims 1, 3, and 10. Claims 11 - 17, 19, and 21 have been withdrawn from consideration.

Amendments to claims

Claim 3 has been amended to include the limitations of original base claim 1 and intervening original claim 2. Claims 1 and 10 have been amended to clarify that an AlInGa_N well layer and an AlInGa_N barrier layer are alternately layered in the multiple quantum well layer. Support for these amendments can be found, for example, in paragraph [0029] of the published application. Claims 4 - 9 and 12 - 20 have been amended to correct informalities and to place the claims in proper dependent form. No new matter has been added.

Rejections under 35 U.S.C. § 102

Claims 1, 2, 10, and 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by JP 2000-299532 ("Ozaki"). Claims 1 and 10 have been amended as explained

above. To the extent that this rejection may still apply to the amended claims, the rejection is respectfully traversed.

Embodiments disclosed in this application relate to a gallium nitride-based compound semiconductor device. In one embodiment shown in Figure 1, the multiple quantum well light emitting layer **24** comprises an AlInGaN well layer and an AlInGaN barrier layer layered alternately (*see e.g.*, paragraph [0029] of the published application). Accordingly, amended independent claims 1 and 10 require, in part, a multiple quantum well layer in which an AlInGaN well layer and an AlInGaN barrier layer are alternately layered.

Ozaki relates to a nitride semiconductor laser element. With respect to Ozaki, the Examiner has asserted in the instant Office Action that Ozaki discloses a GaN-based quantum well layer and a GaN-based quantum barrier layer in paragraphs [0067], [0069], etc. However, Ozaka merely discloses a structure of InGaN well layer/InGaN barrier layer as an active layer **6** (*see* Ozaki, paragraphs [0036], [0037]). Therefore, Ozaki fails to disclose at least a multiple quantum well layer in which an AlInGaN well layer and an AlInGaN barrier layer are alternately layered, as required by amended claims 1 and 10.

In view of the above, Ozaki neither shows nor suggests the present invention as recited in claims 1 and 10. Thus, claims 1 and 10 are patentable over Ozaki for at least the above reasons. Dependent claim 2 is patentable for at least the same reasons. Claim 20 has been amended to depend from claim 3, which is the Examiner considers to be allowable. Thus, claim 20 is patentable for at least the same reasons as claim 3. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 103

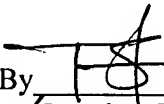
Claim 18 stands rejected under 35 U.S.C. §103(a) as being obvious over Ozaki. As indicated above, claim 3 is allowable over Ozaki. Claim 18 has been amended to depend from allowable claim 3 and, therefore, is patentable over Ozaki for at least the same reasons as claim 3. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicants believe this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 08228/061001).

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Respectfully submitted,

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